REMARKS

Claims 1-19 are amended, and new claim 20 is added. Claims 1-20 are pending.

An executed Power of Attorney by Assignee of Entire Interest and Revocation of Prior Powers is submitted herewith. Accordingly, the undersigned is attorney of record for filing the present amendment.

The amendments to the abstract and claims, and added new claim 20, are based on the application as originally filed, including the second full paragraph on page 17, so it is respectfully submitted that no new matter has been added.

In the office action, claims 1, 6-7, 15, and 18-19 were rejected under 35 U.S.C. § 102(e) in view of U.S. Patent Number US 6,654,725 B1 to Langheinrich et al.; claim 16 was rejected under 35 U.S.C. § 103(a) in view of Langheinrich et al. and Official Notice; claims 2-5 and 17 were rejected under 35 U.S.C. § 103(a) in view of Langheinrich and U.S. Patent Number US 6,757,740 B1 to Parekh et al.; and claims 8-14 were rejected under 35 U.S.C. § 103(a) in view of Langheinrich and U.S. Patent Number US 6,839,680 B1 to Liu et al.

Independent claim 1 is amended to recite a server operatively connected to a user terminal operated by a user, with the server including an advertising administration module, a user terminal interface module, and a decision maker module, with the decision maker module coupled to the advertising administration module, and with the decision maker module configured to select advertising content associated with at least one advertising campaign, based on user information including consumer data specific to the user and obtained at least directly from the user terminal, so that the user terminal coupled to the server receives the selected advertising content corresponding to the user information retrieved by the server.

Independent claim 1, as amended, is patentable over Langheinrich et al., since Langheinrich et al. does not disclose or suggest at least a decision maker module as in claim 1 configured to select advertising content associated with at least one advertising campaign, based on user information including consumer data specific to the user and obtained at least directly from the user terminal, so that the user terminal coupled to the server receives the selected advertising content corresponding to the user information retrieved by the server, as in claim 1.

One having ordinary skill in the art would not look to Langheinrich et al. for the elements, steps, and features of amended claim 1. In fact, Langheinrich et al. specifically teaches away from selecting advertising content associated with at least one advertising campaign, based on user information including consumer data specific to the user and obtained at least directly from the user terminal, as in claim 1.

The Langheinrich et al. system and method utilize indirect data gathering methods for sending customized advertisements to users viewing webpages. Langheinrich et al. is motivated to avoid obtaining or using user-specific or user-identifying data in order to preserve user privacy.

Langheinrich et al. characterizes the prior art systems and methods of personalized advertisements utilizing "user specific data such as age, gender, income, place of residence, etc." (Langheinrich et al., column 1, lines 44-46) as being "intrusive" and "not yet been proved to be effective" (Langheinrich et al., column 2, lines 34-36). Specifically, Langheinrich et al. recognizes that "personalized advertisement delivery seems to solve [the targeted advertisement] problem [but] the high amount of user monitoring clashes with an individuals (sic) need for privacy" (Langheinrich et al., column 2, lines 31-36).

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Therefore, Langheinrich et al. teaches away from customized delivery systems using user-specific data such as recited in claim 1, since Langheinrich et al. distinguishes its system and method as an improvement over such allegedly intrusive and ineffective systems which use personalized information about the user, such as user specific data such as age, gender, income, place of residence, etc.

In fact, in the Abstract of Langheinrich et al., it is explicitly stated that the system and method of Langheinrich et al. operates such that "No identifiable data is collected during the interaction with the user." (Langheinrich et al., Abstract, lines 12-13).

Instead, customized advertisements are served or delivered on-demand by the system of Langheinrich et al. over the Internet to users (Langheinrich et al., column 3, lines 8-10), with such customized advertisements being generated for the user based on "a pre-computed, periodically updated table of display probabilities which prescribe a distribution for the available advertisements given the current conditions." (Langheinrich et al., column 3, lines 14-17).

Such probabilities are determined for each customization parameter to maximize advertisement click-through rates (Langheinrich et al., column 9, lines 41-44), with the customization parameters including a user's search word, a webpage ID, or the name of the user's browser software (Langheinrich et al., column 5, lines 32-34).

One having ordinary skill in the art would recognize that a user's search word, a webpage ID, or the name of the user's browser software are not user-specific nor is such information personal to or identifying of the specific user, but in fact may be common to thousands or even millions of users using popular browser software such as "MICROSOFT" "INTERNET EXPLORER", or those thousands or even millions of users accessing a given webpage and so

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sharing a webpage ID, or those numerous users submitting queries with common or similar search words.

On the contrary, the present invention utilizes <u>consumer data specific to the user</u>, as in claim 1. Furthermore, the present invention utilizes such <u>consumer data specific to the user</u> which is <u>obtained at least directly</u> from the user terminal. By using such consumer data, the present invention selects advertising content associated with at least one advertising campaign, based on user information including the consumer data so that the user terminal coupled to the server receives the selected advertising content corresponding to the user information retrieved by the server.

Therefore, claim 1 is patentable over Langheinrich et al., since Langheinrich et al. does not have or suggest using such a decision maker module as in claim 1 configured to select advertising content associated with at least one advertising campaign, based on user information <u>including consumer data specific to the user and obtained at least directly</u> from the user terminal, so that the user terminal coupled to the server receives the selected advertising content corresponding to the user information retrieved by the server, as in claim 1, and since Langheinrich et al. teaches away from personalized advertisements delivery using user-specific data which, according to Langheinrich et al., is an intrusive and ineffective method (Langheinrich et al., column 2, lines 34-36).

Furthermore, it is noted that, for the reasons set forth above, Langheinrich et al. cannot and in fact would not utilize user-specific information such as gender, as stated on page 3 of the office action regarding claim 18. Such references allegedly made in Langheinrich et al. to using user specific data, such as at column 1, lines 41-46 and also at column 2, lines 4-10 of Langheinrich et al., are actually descriptions of features in the prior art which Langheinrich et al.

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specifically does not implement and in fact teaches away from, as described herein and as recited in Langheinrich et al., column 2, lines 31-41.

Accordingly, claim 1 is patentable over Langheinrich et al., so reconsideration and withdrawal of the rejection of claim 1 are respectfully requested.

For the reasons set forth above in connection with claim 1, claim 15, as amended, is also patentable over Langheinrich et al., since claim 15 recites an on-line system for administering advertising content including a server in communication with a user terminal operated by a user, the server including: an advertising administration module, a user terminal interface module, a design user interface module, and a decision maker module coupled to the advertising administration module, with the decision maker module configured to select advertising content associated with at least one advertising campaign, based on the user information including consumer data at least specifically identifying the user and obtained at least directly from the user terminal, wherein the consumer data specifically identifying the user and obtained at least directly from the user terminal is selected from the group of:

the age of the consumer;

the economic status of the consumer;

the residence of the consumer; and

the language of preference of the consumer,

so that the user terminal coupled to the server receives the selected advertising content corresponding to the user information retrieved by the server.

Not only does Langheinrich et al. teach away from user-specific data, but Langheinrich et al. also teaches away from data specifically identifying the user, as in claim 15, since "No

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identifiable data is collected during the interaction with the user." (Langheinrich et al., Abstract, lines 12-13).

In addition, claims 2-14 and 16-19 depend from independent claims 1 and 15, respectively, and so include the recitation of amended claims 1 and 15, respectively. Therefore, for the reasons set forth above, claims 2-14 and 16-19 are also patentable over Langheinrich et al.

The Official Notice cited in connection with the rejection of claim 16 as well as the patents of Parekh et al. and Liu et al. do not cure the deficiencies of Langheinrich et al.

The Official Notice pertains to the providing of weather related information based on the user's geographic location. It is alleged that "it would have been obvious to one of ordinary skill in the art at the time of the invention to make the above-mentioned modification to Langheinrich's invention because it would allow him to not only provide customized advertisements but also useful customized information, thus resulting in a more efficient invention" (office action, pages 4-5).

On the contrary, such Official Notice cannot be properly combined with Langheinrich et al. in the manner suggested by the examiner, since Langheinrich et al. specifically teaches away from obtaining and using any such user-specific data such as the specific user's specific geographical location, as described above in connection with claim 1. Therefore, one having ordinary skill in the art would in fact be deterred from making the examiner's suggested modification to the system and method of Langheinrich et al. using the teachings of the Official Notice, since Langheinrich et al. characterizes gathering user-specific data as being "intrusive" and ineffective (Langheinrich et al., column 2, lines 34-36).

Similarly, Parekh et al. cannot be properly combined with Langheinrich et al. in the manner suggested by the examiner, since Langheinrich et al. specifically teaches away from

obtaining and using any such user-specific data such as the specific user's specific geographical location, as described above in connection with claim 1. Therefore, one having ordinary skill in the art would in fact be deterred from making the examiner's suggested modification to the system and method of Langheinrich et al. using the teachings of Parekh et al., since Langheinrich et al. characterizes gathering user-specific data as being "intrusive" and ineffective (Langheinrich et al., column 2, lines 34-36).

Furthermore, Liu et al. cannot be properly combined with Langheinrich et al. in the manner suggested by the examiner, since Langheinrich et al. specifically teaches away from obtaining and using any such user-specific data such as the specific user's number of times having visited a given website. The consumer data used in the present invention may include tracking the number of times a specific user visits a given website, for example, as recited in claims 8-14, such that click-through and correlation of purchases of a specific user may be monitored and so advertising may be customized to the specific user.

However, one having ordinary skill in the art would in fact be deterred from making the examiner's suggested modification to the system and method of Langheinrich et al. using the teachings of Liu et al., since Langheinrich et al. characterizes gathering user-specific data as being "intrusive" and ineffective (Langheinrich et al., column 2, lines 34-36).

Therefore, claims 1-19 are patentable over Langheinrich et al., individually or in any proper combination of Langheinrich et al. with Official Notice, Parekh et al., and/or Liu et al., so reconsideration and withdrawal of the rejection of claims 1-19 are respectfully requested.

For the reasons set forth above, new claim 20 is patentable over the cited art, since new claim 20 recites an on-line method for administering advertising content, with the on-line method including the steps of:

providing a server operatively connected to a user terminal operated by a user;

maintaining advertising content associated with at least one advertising campaign using an advertising administration module;

retrieving user information corresponding to the user terminal for use by the advertising administration module using a user terminal interface module coupled to the advertising administration module;

obtaining, at least directly from the user terminal, consumer data specific to the user and included in the user information;

selecting advertising content using a decision maker module, with the advertising content associated with at least one advertising campaign based on the consumer data specific to the user; and

providing to the user terminal coupled to the server the selected advertising content corresponding to the consumer data and the user information retrieved by the server.

As described herein, Langheinrich et al. does not disclose or suggest at least the steps of obtaining, at least directly from the user terminal, consumer data specific to the user; and selecting advertising content using a decision maker module, with the advertising content associated with at least one advertising campaign based on the user information including the consumer data specific to the user, as in new claim 20, and in fact, Langheinrich et al. teaches away from such steps of new claim 20 as described herein in connection with claim 1.

Therefore, new claim 20 is patentable over Langheinrich et al., individually or in any proper combination of Langheinrich et al. with Official Notice, Parekh et al., and/or Liu et al., so entry and favorable consideration of new claim 20 are respectfully requested.

Accordingly, entry and approval of the present amendment and allowance of all pending claims are respectfully requested.

In case of any deficiencies in fees by submission of the present amendment, the Commissioner is hereby authorized to charge such deficiencies in fees to Deposit Account Number 01-0035.

Respectfully submitted,

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Anthony J. Natoli
Registration number 36,223
Attorney for applicants

ABELMAN, FRAYNE & SCHWAB
150 East 42nd Street
New York, NY 10017-5612
(212) 949-9022